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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,394	06/30/2000	Hannu Nieminen	4925-53	9490

7590 04/21/2005

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EXAMINER

JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/608,394

Applicant(s)

NIEMINEN ET AL.

Examiner

LaShonda T Jacobs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-25, 27-36 and 40-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-25, 27-36 and 40-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This is a Final Office Action in response to Applicants' Amendment and Request for Reconsideration filed on February 9, 2005. Claims 8, 26,37 and 38 are cancelled. Applicants' newly add claims 41-43. Claims 1-7, 9-25, 27-36 and 39-40 are presented for further examination. Claims 41-43 are also presented for examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **41-43** are rejected under 35 U.S.C. 102(b) as being anticipated by Borgstahl et al (hereinafter, "Borgstahl", 6,466,781).

As per claim **41**, Borgstahl discloses a mobile terminal for controlling appliances controllable by corresponding appliance control modules within a local environment, comprising:

- means for sending a request for appliance control modules to each appliance (col. 16, lines 59-67 and col. 17, lines 1-16);
- means for receiving an address from each controllable appliance of a remote location maintaining the appliance control module for each controllable appliance in response to the request; said received remote location address being used to obtain a corresponding appliance control module for each controllable appliance by contacting the remote

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location maintaining the appliance control module (col. 16, lines 59-67 and col. 17, lines 1-16);

- means for allowing the input of user instructions and for generating output signals for controlling select controllable appliances (col. 10, lines 41-61); and
- means for communicating said output signals to a local server having said corresponding appliance control modules for controlling select ones of said controllable appliances (col. 10, lines 41-61).

As per claim **42** Borgstahl further discloses:

- one of a mobile phone and a personal digital assistant (col. 6, lines 20-30).

As per claim **43**, Borgstahl discloses an appliance having a corresponding appliance control for said appliance in a local environment; comprising:

- means for storing an address at which said appliance control module can be obtained from a remote location (col. 16, lines 59-67 and col. 17, lines 1-16);
- means for communicating said stored address in response to a request from a mobile terminal for locating said appliance control module, said remote location address being used to obtain said corresponding appliance control module by contacting the remote location maintaining the appliance control module (col. 16, lines 59-67 and col. 17, lines 1-16); and
- means responsive to commands from a local server in the local environment having said located appliance control module for controlling said appliance (col. 10, lines 41-61).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 9-25, 27-36 and 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollstrom in view of Borgstahl.

As per claim 1 and 19, Hollstrom discloses a method for networking and controlling appliances within a local environment containing a local server responsive to commands received from a mobile phone or a personal digital assistant having a local controller function, each controllable appliance being controllable by a corresponding appliance control module comprising the steps of:

- installing on the local server, an appliance control modules for each controllable appliance (col. 3, lines 4-6);
- providing communication between the local server and the appliances (col. 2, lines 22-33, lines 60-67 and col. 3, lines 1-6); and
- accessing the local server with the local controller when the local controller is one of within the local environment and outside the local environment to select one of the installed control modules for controlling the corresponding appliance (col. 2, lines 60-67, col. 3, lines 1-6, col. 4, lines 65-67, col. 5, lines 1-9 and lines 44-57).

However, Hollstrom does not explicitly disclose:

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- receiving, in response to a request transmitted within the local environment, an address of a remote location maintaining appliance control modules for each controllable appliance; and
- obtaining the appliance control module by using the addresses to contact the remote location maintaining the appliance control module.

In an analogous art, Borgstahl discloses a method for programming an appliance by a controller including:

- receiving, in response to a request transmitted within the local environment, an address of a remote location maintaining appliance control modules for each controllable appliance (col. 16, lines 59-67 and col. 17, lines 1-16); and
- obtaining the appliance control module by using the addresses to contact the remote location maintaining the appliance control module (col. 16, lines 59-67 and col. 17, lines 1-16).

Giving the teaching of Borgstahl, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hollstrom by implementing an addressing search scheme for an object (appliance) within the personal area network allowing a user the ability to store and add the address of an appliance in order to control the objects (appliances).

As per claims **2** and **20**, Hollstrom discloses:

- wherein each appliance has a memory-stored address for providing a location of the corresponding appliance control module, said method further comprising the steps of transmitting the memory-stored address from the appliance to the local controller, and

accessing a remote location using the transmitted address to locate the corresponding appliance control module (col. 4, lines 20-34).

As per claims **3** and **21**, Hollstrom discloses:

- wherein the local controller, local server and each appliance contains a wireless transceiver, and wherein said step of transmitting comprises said step of wireless transmitting (col. 3, lines 45-48, lines 65-67 and col. 4, lines 1-15).

As per claims **4** and **22**, Hollstrom discloses:

- wherein the memory-stored address is a URL Internet address (col. 4, lines 20-34).

As per claims **5** and **23**, Hollstrom discloses:

- wherein said accessing step comprises the step of connecting to the Internet using the URL to locate the appliance control module (col. 4, lines 20-34).

As per claims **6** and **24**, Hollstrom discloses:

- wherein the local controller and the local server comprise an integrally formed wireless communications device (col. 2, lines 22-33, lines 60-67 and col. 3, lines 1-6).

As per claims **7** and **25**, Hollstrom discloses:

- wherein said wireless communications device comprises one of a mobile phone and a personal digital assistant (col. 2, lines 60-66).

As per claims **9** and **27**, Hollstrom discloses:

- wherein said local server comprises a personal computer (col. 4, lines 57-64).

As per claims **10**, **11**, and **28**, Hollstrom disclose:

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- wherein the appliances, local server, and local controller are capable of wirelessly communicating with each other using Bluetooth transceivers (col. 3, lines 45-48, lines 65-67 and col. 4, lines 1-15).

As per claims **15** and **32**, Hollstrom discloses:

- wherein said step of transferring comprises the step of accessing the remote location comprises transferring the located appliance control module to the local controller and then transferring the appliance control module from the local controller to the local server (col. 2, lines 60-67, col. 3, lines 1-6, col. 4, lines 65-67, col. 5, lines 1-9 and lines 44-57).

As per claim **16**, Hollstrom further discloses

- the step of accessing the local server with the local controller to control a select appliance with a corresponding appliance control module (col. 2, lines 60-67, col. 3, lines 1-6 and col. 4, lines 20-34).

As per claim **17**, Hollstrom disclose:

- wherein the local controller comprises a mobile phone and wherein said accessing step comprises the step of selecting a command on the mobile phone to control a select appliance (col. 5, lines 39-57).

As per claim **33**, Hollstrom disclose:

- wherein the local controller comprises a mobile phone and wherein said means for accessing comprises entering a menu selection on the mobile phone (col. 5, lines 39-57).

As per claim **35**, Hollstrom discloses a network for controlling a controllable appliance contained within a local environment, the appliance being controllable by a corresponding

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appliance control module and having a memory-stored address for providing a location of the corresponding appliance control module, comprising:

- one of a mobile phone and a personal digital assistant having a local controller having a wireless transceiver for communicating with the appliance and for receiving the memory-stored address from the appliance, the memory-stored address being used to locate the appliance control module (col. 2, lines 60-67, col. 3, lines 1-6 and col. 4, lines 20-34); and
- a local server in communication with said local controller for receiving and storing the located appliance control module, said local controller wirelessly communicating with said local server when said local controller is one of within the local environment and outside the local environment for controlling the appliance corresponding to the located appliance control module (col. 2, lines 22-33, lines 60-67, col. 3, lines 1-6, col. 4, lines 20-34, lines 65-67 and col. 5, lines 1-9).

In an analogous art, Borgstahl discloses a method for programming an appliance by a controller including:

- receiving, in response to a request transmitted within the local environment, an address of a remote location maintaining appliance control modules for each controllable appliance (col. 16, lines 59-67 and col. 17, lines 1-16); and
- obtaining the appliance control module by using the addresses to contact the remote location maintaining the appliance control module (col. 16, lines 59-67 and col. 17, lines 1-16).

Giving the teaching of Borgstahl, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hollstrom by implementing an addressing search scheme for an object (appliance) within the personal area network allowing a user the ability to store and add the address of an appliance in order to control the objects (appliances).

As per claim **36**, Hollstrom discloses:

- wherein the memory-stored address corresponds to a location on a global computer network and wherein at least one of said local controller and local server is capable of communicating with said global computer network (col. 2, lines 60-67, col. 3, lines 1-6, lines 15-24 and col. 4, lines 20-34).

As per claim **39**, Hollstrom discloses:

- wherein said local controller is used to access the global computer network to locate the appliance control module and to transmit the appliance control module to said local server (col. 2, lines 60-67, col. 3, lines 1-6, lines 15-24 and col. 4, lines 20-34).

As per claim **40**, Hollstrom disclose:

- wherein said local controller, said local server and the appliance comprise Bluetooth transceivers for permitting wireless communication therebetween (col. 3, lines 45-48, lines 65-67 and col. 4, lines 1-15).

As per claims **12** and **29**, Hollstrom discloses the invention substantially as claims discussed above:

However, Hollstrom does not explicitly disclose:

- wherein the step of accessing further comprises providing a select user with access to the appliances based on a user identifier.

In an analogous art, Borgstahl discloses a method for programming an appliance by a controller including:

- wherein the step of accessing further comprises providing a select user with access to the appliances based on a user identifier (col. 5, lines 61-67, col. 7, lines 62-67, col. 8, lines 1-4 and col. 13, lines 59-67).

Giving the teaching of Borgstahl, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hollstrom by including personalization data (ID codes, passwords and PINs) allowing authorized users to access capability information over a securer network in order to protect the information from unauthorized users.

As per claims **13** and **30**, Hollstrom discloses:

- wherein the local controller is a mobile phone (col. 2, lines 60-67, col. 3, lines 1-6, col. 4, lines 65-67, col. 5, lines 1-9 and lines 44-57).

However, Hollstrom does not explicitly disclose:

- wherein said step of providing a user with access further comprises using a SIM and PIN associated with the phone as the user identifier.

In an analogous art, Borgstahl discloses a method for programming an appliance by a controller including:

- wherein said step of providing a user with access further comprises using a SIM and PIN associated with the phone as the user identifier (col. 5, lines 61-67, col. 7, lines 62-67, col. 8, lines 1-4 and col. 13, lines 59-67).

Giving the teaching of Borgstahl, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hollstrom by including personalization data (ID

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codes, passwords and PINs) allowing authorized users to access capability information over a securer network in order to protect the information from unauthorized users.

As per claims **14** and **31**, Hollstrom discloses:

- wherein the local server is a personal computer (col. 4, lines 57-64).

However, Hollstrom does not explicitly disclose:

- wherein said step of providing a user with access further comprises using a personal computer password as the user identifier.

In an analogous art, Borgstahl discloses a method for programming an appliance by a controller including:

- wherein said step of providing a user with access further comprises using a personal computer password as the user identifier (col. 5, lines 61-67, col. 7, lines 62-67, col. 8, lines 1-4 and col. 13, lines 59-67).

Giving the teaching of Borgstahl, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hollstrom by including personalization data (ID codes, passwords and PINs) allowing authorized users to access capability information over a securer network in order to protect the information from unauthorized users.

As per claims **18** and **34**, Hollstrom discloses the invention substantially as claims discussed above:

However, Hollstrom does not explicitly disclose:

- the steps of using the local controller to grant a second device authority for accessing the local server.

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In an analogous art, Borgstahl discloses a method for programming an appliance by a controller including:

- the steps of using the local controller to grant a second device authority for accessing the local server (col. 5, lines 61-67, col. 7, lines 62-67, col. 8, lines 1-4 and col. 13, lines 59-67).

Giving the teaching of Borgstahl, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hollstrom by including personalization data (ID codes, passwords and PINs) allowing authorized users to access capability information over a securer network in order to protect the information from unauthorized users.

Response to Arguments

5. Applicant's arguments with respect to claims 1-7, 9-25, 27-36 and 39-43 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
April 11, 2005


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SUPERVISORY PATENT EXAMINER
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